

# Agenda Item Form

Agenda Date: 3/23/04

Districts Affected: 3

Dept. Head/Contact Information: Patrick T. Abeln, Director of Aviation-780-4724

## Type of Agenda Item:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Resolution            | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements       | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use     | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements            | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input type="checkbox"/> Other _____                      |   |  |

## Funding Source:

- ☐ General Fund  
☐ Grant (duration of funds: \_\_\_\_\_ Months)  
☐ Other Source: \_\_\_\_\_

## Legal:

- ☒ Legal Review Required      Attorney Assigned (please scroll down): Sylvia Firth      ☒ Approved      ☐ Denied

Timeline Priority:   ☐ High      ☒ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

Formal expansion of Foreign Trade Zone 68.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Maximize ability to conduct commercial business at EPIA and integrate the new air cargo area into the Foreign Trade Zone. See memo from Director of Aviation. (No cost to the General Fund)

## Statutory or Citizen Concerns:

NONE

## Departmental Concerns:

NONE

ITEM: Resolution that the City Council approves the submission to the Foreign-Trade Zones Board of an application to expand Foreign-Trade Zone No. 68 to include the 474.848 acre site more fully described on Exhibit "A", and to delete the 34.8 acre site described on Exhibit "B" both of which are attached and fully incorporated by reference; that the Director of Aviation be authorized to sign the application and related documents to expand and modify Foreign-Trade Zone No. 68; and urges the Foreign-Trade Zones Board approval of the application on an expedited basis.

## ***MEMORANDUM***

To: Mayor & Council

City Council Representatives

Jim Martinez, CAO

From: Patrick T. Abeln, Director of Aviation

Date: March 18, 2004

Re: Consent Agenda Item of March 23, 2003—Expansion Application to Foreign Trade Zone No. 68

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**Item: Resolution authorizing the Mayor of El Paso to submit an Expansion Application to the Foreign Trade Zones Board in Washington, DC**

This resolution requests approval for the Mayor to sign a resolution for an Expansion Application to the Foreign Trade Zones Board. The Expansion Application requests that the Foreign Trade Zones Board expand the boundaries of Foreign Trade Zone No. 68 to include airport property as follows (see attached exhibit):

- Air Cargo Building 3 & 4 and Butterfield Trail Industrial Park II containing 474.848 acres (20,634.397 sq. ft.) more or less.

In addition, the City through its Grantee management role request the removal of a property that violates the regulations of the Foreign Trade Zone Board as described below (see attached exhibit):

- Barnett Addition being all of tract 4C and a portion of 4B, Block 51, Ysleta Grant, City of El Paso, El Paso County, TX containing 34.860 acres more or less.

**Background and Justification:**

The City of El Paso has over the last five (5) years invested in and constructed the borders largest and most modern Air Cargo Center and is in the process of relocating the FTZ & Customs office complex to this location. This new facility will be a one stop customer service facility for importing and exporting and will be called the **El Paso International Trade Processing Center**.

This addition of the Air Cargo Complex and surrounding area to FTZ status is an additional and important element in building El Paso as the border's leading trade center.

EPIA is positioning itself for more industrial growth in particular with international trade services by expanding FTZ No. 68 and developing its industrial properties. The City is now in a position to market this area increasing industrial development geared toward the Butterfield Trail Air Cargo Complex and the surrounding airport development. Also, new opportunities in the region for value added services combined with **EPIA's new International Trade Processing Center** that will be located at the Cargo Complex will provide a major advantage for distribution and manufacturing operations that compete on a global scale with other regions to move their merchandise on a moments notice. The long-term impact of this expansion can be expected to bring more jobs and benefits to the El Paso economy.

Currently, FTZ No. 68 presently consists of 3,003 acres designated at 21 non-contiguous sites through the east, northeast, and southeast industrial areas of the city. FTZ No. 68 is one of the nation's top five in volume general-purpose zones in the nation, and the largest FTZ along the US-Mexico border. Its one-stop documentation office with US Customs personnel presence makes it one of the few zones that provide a major advantage for conducting FTZ business. On an annual basis, over \$2 billion in value of merchandise goes through FTZ No. 68.

#### **Recommendation:**

The Department of Aviation is recommending to Mayor and Council to authorize the signing of this expansion of FTZ No. 68 and has been reviewed by the City Attorney's Office.

Cc: Sylvia Firth, Assistant City Attorney  
Jose Quinonez, Foreign-Trade Zone Manager

## **RESOLUTION**

**WHEREAS**, the City of El Paso, a political subdivision of the State of Texas ("City"), has received authority from the Legislature of the State of Texas and the Foreign-Trade Zones Board to establish and maintain a foreign-trade zone at the Port of El Paso ("Foreign-Trade Zone No. 68").

**WHEREAS**, the City is the Grantee of Foreign-Trade Zone No. 68;

**WHEREAS**, the City of El Paso has identified a need to expand the boundaries of Foreign-Trade Zone No. 68 by 478.848 acres of land to include the El Paso International Airport air-cargo facilities and the adjacent industrial park in order to meet demand for international trade and foreign trade zone services;

**WHEREAS**, the proposed Foreign-Trade Zone No. 68 expansion property is owned by the City of El Paso;

**WHEREAS**, the City of El Paso also identified 34.8 acres of land which was added to Foreign-Trade Zone No. 68 fourteen years ago that has never been used for foreign trade zone purposes and has been since developed and zoned for purposes prohibited under Foreign-Trade Zone regulations; and

**WHEREAS**, the City Council believes that it is in the best interest of Foreign-Trade Zone No. 68 that the City complete and file a formal application to expand Foreign-Trade Zone No. 68 and to delete the property which is no longer eligible for designation, and to comply with the applicable requirements specified in Sections 400.21 to 400.29 of the Regulations of the Foreign-Trade Zones Board, under U.S. Foreign-Trade Zones Act of 1934, as amended.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
EL PASO:**

THAT the City Council approves the submission to the Foreign-Trade Zones Board of an application to expand Foreign-Trade Zone No. 68 to include the 474.848 acre site more fully described on Exhibit "A", and to delete the 34.8 acre site described on Exhibit "B" both of which are attached and fully incorporated by reference; that the Director of Aviation be authorized to sign the application and related documents to expand and modify Foreign-Trade Zone No. 68; and urges the Foreign-Trade Zones Board approval of the application on an expedited basis;

ADOPTED this 23<sup>rd</sup> day of March 2004.

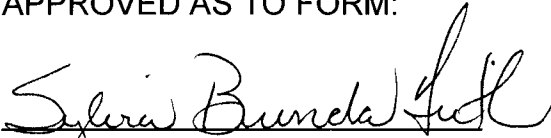
CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

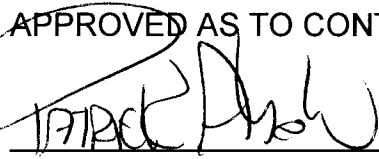
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sylvia Borunda Firth  
Assistant City Attorney

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
Patrick T. Abeln, A. A. E.  
Director of Aviation  
El Paso International Airport

## **EXHIBIT “A”**



Property Description: A portion of Lot 1, Block 1, Butterfield Trail Aviation Park Unit One, and a Portion of Sections 22, 27 and 28, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas.

#### METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 1, Block 1, Butterfield Trail Aviation Park Unit One, and a portion of Sections 22, 27 and 28, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Spur Drive and Walter Jones Boulevard; Thence, North  $88^{\circ} 57' 15''$  East, along the centerline of Walter Jones Boulevard, a distance of 1144.84 feet to a point for a curve; Thence, 427.74 feet continuing along said centerline and along the arc of a curve to the left, having a radius of 600.00 feet, a central angle of  $40^{\circ} 50' 45''$  and a chord which bears North  $68^{\circ} 31' 52''$  East, a distance of 418.74 feet to a point; Thence, South  $40^{\circ} 00' 54''$  East, a distance of 145.07 feet to a point lying on the southerly right-of-way line of Walter Jones Boulevard; Thence, North  $49^{\circ} 58' 00''$  East, along said right-of-way line, a distance of 5772.09 feet to a point, said point being the TRUE POINT OF BEGINNING of this description.

THENCE, continuing along said Walter Jones Boulevard, the following courses:

North  $49^{\circ} 58' 00''$  East, a distance of 274.37 feet to a point for a curve;

721.03 feet along the arc of curve to the right having a radius of 2000.00 feet, a central angle  $20^{\circ} 39' 22''$  and a chord which bears North  $60^{\circ} 17' 41''$  East a distance of 717.13 feet to a point for a curve;

3150.95 feet along the arc of a curve to the right having a radius of 2777.79 feet, a central angle of  $64^{\circ} 59' 34''$  and a chord which bears South  $76^{\circ} 52' 51''$  East a distance of 2984.72 feet to a point;

THENCE, South  $44^{\circ} 23' 04''$  East, a distance of 3044.67 feet to a point for a corner;

THENCE, South  $45^{\circ} 36' 56''$  West, a distance of 2449.89 feet to a point for a corner, said point lying on the easterly right-of-way line of the proposed Yarbrough Drive extension;

THENCE, North  $45^{\circ} 19' 05''$  West, a distance of 2750.01 feet to a point for a curve, said point lying on the northerly right-of-way line of George Perry Boulevard;

THENCE, along said right-of-way line, the following courses:

782.25 feet along said right-of-way line and along the arc of curve to the left having a radius of 12598.94 feet, a central angle of  $03^{\circ} 33' 27''$  and a chord which bears South  $40^{\circ} 57' 28''$  West a distance of 782.13 feet to a point;

South  $39^{\circ} 10' 45''$  West, a distance of 1205.63 feet to a point for a curve;

1815.01 feet along the arc of curve to the right having a radius of 9640.00 feet, a central angle of  $10^{\circ} 47' 15''$  and a chord which bears South  $44^{\circ} 34' 22''$  West a distance of 1812.33 feet to a point;

South  $49^{\circ} 58' 00''$  West, a distance of 1872.15 feet to a point for a corner;

THENCE, North  $39^{\circ} 59' 56''$  West, a distance of 1492.08 feet to a point for a corner;

THENCE, North  $49^{\circ} 56' 17''$  East, a distance of 5327.69 feet to a point for a corner;

THENCE, North  $40^{\circ} 02' 00''$  West, a distance of 2024.23 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 474.848 acres ( 20,684,397 sq. ft. ) of land more or less.



NOT A FIELD SURVEY  
PREPARED FROM RECORD DATA

SLI ENGINEERING, INC.  
Consulting Engineers—Land Surveyors

Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998

Job Number 09-00-1775  
November 5, 2001

Page 1 of 2  
M&B/0924

## **EXHIBIT “B”**

# BARNETT ADDITION

BEING ALL OF TRACT 4C AND A PORTION  
OF TRACT 4B, BLOCK 51, YSLETA GRANT,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING : 34.860 ACRES

## DEDICATION

STATE OF TEXAS  
COUNTY OF EL PASO

WAL-MART STORES INC., OWNER OF THIS LAND, HEREBY PRESENTS THIS MAP AND DEDICATES  
TO THE USE OF THE PUBLIC, STREETS RIGHT OF WAY, IRRIGATION AND UTILITY EASEMENTS AS  
HEREIN Laid DOWN AND DESIGNATED, INCLUDING EASEMENTS FOR OVERHANGING SERVICE WIRES  
FOR POLE TYPE UTILITIES AND BURIED SERVICE WIRES, CONDUITS AND PIPES FOR UNDERGROUND  
UTILITIES, AND THE RIGHT TO INGRESS AND EGRESS FOR SERVICE AND CONSTRUCTION AND THE  
RIGHT TO TRIM INTERFERING TREES AND SHRUBS.

WITNESS MY SIGNATURE THIS 23rd DAY OF SEPTEMBER, 1994, A.D.

J-ROBERT BARY

J-ROBERT BARY (ASST. VICE PRESIDENT)

## ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF EL PASO

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR EL PASO COUNTY,  
ARIZONA, ON THIS DAY PERSONALLY APPEARED J-ROBERT BARY, KNOWN TO ME TO BE THE  
PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED  
TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN  
EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23rd DAY OF SEPTEMBER, 1994, A.D.

VOILA B. WHITE

NOTARY PUBLIC IN AND FOR EL PASO COUNTY, TEXAS  
ARIZONA

## CITY PLAN COMMISSION

THIS SUBDIVISION IS HEREBY APPROVED AS TO THE PLATTING AND AS TO THE CONDITIONS OF  
THE DEDICATION IN ACCORDANCE WITH CHAPTER 212 OF THE LOCAL GOVERNMENT CODE OF  
TEXAS THIS 10th DAY OF FEBRUARY, 1994, A.D.

ROY GILYARD

SECRETARY

MARK DYER

CHAIRPERSON

ACCEPTED AND ADOPTED BY THE CITY COUNCIL OF EL PASO THIS 12th DAY OF  
12th, 1994, A.D.

CAROLE HUNTER

CITY CLERK

LARRY FRANCIS

MAYOR

APPROVED FOR FILING THIS 3 DAY OF OCT, 1994, A.D.

FERMIN DORADO

CITY ENGINEER

FILED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF EL PASO COUNTY, TEXAS  
THIS 11th DAY OF OCTOBER, 1994, A.D. IN VOLUME 38 OF THE  
PLAT RECORDS, PAGE 58 FILE NO. 94-22337

HECTOR ENRIQUEZ, JR.

COUNTY CLERK

A. PATRICIA GONZALEZ

BY DEPUTY

PREPARED BY AND UNDER THE SUPERVISION OF JERRY E. CUTTS, REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 2027.

JERRY E. CUTTS

JERRY E. CUTTS, P.L.S.

SUBDIVISION IMPROVEMENT PLANS PREPARED BY AND UNDER THE SUPERVISION OF B.D.  
FAUGHT, REGISTERED PROFESSIONAL ENGINEER NO. 40184.

B. D. FAUGHT

B.D. FAUGHT, P.E.

RESTRICTIVE COVENANTS FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY  
CLERK, DEED AND RECORDS SECTION, INSTRUMENT NO. 94-22337, BOOK NO. 38  
PAGE 58, DATE 10/11/94

Faught & Associates Inc.

133 CHESTNUT STREET  
EL PASO, TEXAS 79901

CONSULTING ENGINEERS  
LAND SURVEYORS

JOB NO. 8010 - 013

(915) 342-4800

FAX (915) 342-2887

DATE OF PREPARATION, JANUARY 1994